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Attorneys for Plaintiff BRADFORD GREGORY

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BRADFORD GREGORY,	)	Case No.
	)	
Plaintiff,	)	
	)	<b>COMPLAINT FOR COPYRIGHT</b>
vs.	)	<b>INFRINGEMENT</b>
	)	
ALIPHCOM dba JAWBONE and DOES 1	)	<b>DEMAND FOR JURY TRIAL</b>
through 10, inclusive,	)	
	)	
Defendants.	)	
_____	)	

Plaintiff Bradford Gregory ("Plaintiff") alleges as follows:

**JURISDICTION AND VENUE**

1. This is an action for infringement of copyright pursuant to 17 U.S.C. Section 101 *et seq.* Subject matter jurisdiction is conferred by 17 U.S.C. Section 501, 28 U.S.C. Sections 1331 and 1338.

2. The actions of the Defendants complained of herein took place within the jurisdiction and Defendants may be found within this judicial district. Venue is proper under 28 U.S.C. Sections 1391 and 1400.

**INTRADISTRICT ASSIGNMENT**

3. Intradistrict assignment is appropriate under Civil Local Rule 3-2(c) because this

1 is an Intellectual Property Action.

2 **FIRST CAUSE OF ACTION**

3 **Copyright Infringement**

4 4. Plaintiff Bradford Gregory ("Plaintiff") is a professional photographer based in  
5 Brooklyn, New York.

6 5. Plaintiff is informed and believes, and thereon alleges that Defendant Aliphcom  
7 dba Jawbone is a California corporation with its principal place of business in San Francisco,  
8 California.

9 6. At all times herein mentioned, each and every Defendant was acting, at least in  
10 part, as the agent, employee, and/or co-conspirator of the remaining Defendants, and in doing the  
11 things herein alleged was acting, at least in part, in the course and scope of such agency with the  
12 permission and consent and in furtherance of the alleged wrongful conduct with the remaining  
13 Defendants. Furthermore, the individual Defendants named herein had the right and ability, and  
14 exercised such right and ability, to supervise or control some portion of the wrongful conduct  
15 alleged herein, and/or said Defendants financially benefitted, directly or indirectly, from the  
16 alleged wrongful conduct.

17 7. Defendants hired Plaintiff to create various photographic images of Defendants'  
18 Jawbone-branded products ("Plaintiff's Images"). The license to use Plaintiff's Images  
19 terminated after six (6) months from September 2015, i.e., six months from when Plaintiff's  
20 Images were delivered to Defendants from September 2015 to expiration of the license in or  
21 about March 2016. On or after March 2016 Defendants continued to use at least eleven (11) of  
22 Plaintiff's Images for advertising without the consent of Plaintiff.

23 8. Plaintiff's Images are covered by U.S. Copyright Registration No. VA 1-981-251.

24 9. The above described acts of reproduction, preparation of derivative works,  
25 display, distribution and/or sale of the infringing products constitute copyright infringement,  
26 including willful copyright infringement, as set forth in 17 U.S.C. 504(c) *et seq.*

27 10. As a result of Defendants' acts of copyright infringement, Plaintiff is entitled to an  
28

1 accounting of Defendants' profits and/or Plaintiff's actual damages, or statutory damages under  
2 the Copyright Act.

3  
4 WHEREFORE, Plaintiff prays for judgment against Defendants and each of them as set  
5 forth below:

6 (a) For an accounting and award of all of Defendants' profits derived from the  
7 acts of copyright infringement;

8 (b) For actual damages sustained by Plaintiff for copyright infringement;

9 (c) For statutory damages up to \$150,000 per image for infringement of each  
10 of Plaintiff's Images;

11 (d) For an injunction restraining Defendants from future acts of copyright  
12 infringement;

13 (e) For attorneys' fees as permitted by the Copyright Act;

14 (f) For costs of suit herein incurred; and

15 (g) For such other and further relief as the court deems just and proper.

16 Respectfully submitted,

17 DATED: November <sup>22</sup>\_\_\_\_, 2016

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18  
19  
20 By: 

21 Lawrence G. Townsend  
Attorneys For Plaintiff  
BRADFORD GREGORY

DEMAND FOR JURY

Plaintiff hereby demands a trial by jury.

Dated: November <sup>22</sup>\_\_\_\_, 2016

LAW OFFICES OF LAWRENCE G. TOWNSEND

By: 

Lawrence G. Townsend  
Attorneys For Plaintiff  
BRADFORD GREGORY

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